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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/610,695

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Isao Yako

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EXAMINER

ZHAO, DAQUAN

ART UNIT

PAPER NUMBER

2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/610,695

Applicant(s)

YAKO, ISAO

Examiner

Daquan Zhao

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/28/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 3, 6, 7, 12 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Murata (US 2002/0,087,555 A1).

For claim 1, Murata teaches an apparatus for reproducing data comprising:

- a reproduction device (e.g. figure 3, Wearable Device 20, paragraph [0073]-[0075]) for receiving a data constellation, which includes content data (e.g. voice data) and control data for controlling reproduction of said content data, and reproducing said content data based on said control data (e.g. reproduction stop command and incoming-call reporting command);

- a detection device for detecting whether or not the reproduction of said content data by means of said reproduction device is to be halted based on said control data (e.g. CPU 21 receives the reproduction stop command); and
- a subsequent processing-execution device for executing a subsequent processing as previously set, when said detection device obtains detection results that the reproduction of said content data by means of said reproduction device is to be halted (e.g. CPU 21 stops the voice output when it receives the reproduction stop command, also see paragraph [0041]).

Claim 13 is rejected for the same reasons as discussed in claim 1 above.

For claim 2, Murata teaches a subsequent processing-setting device for setting contents of said subsequent processing, which is to be executed by means of said subsequent processing-execution device, through input of a user's instruction (paragraph [0080, start and stop of the voice data from the electronic book device 1 and received by the wearable device 20 can be controlled by the user using the manual input unit 22 in the wearable device 20).

For claim 3, Murata teaches detection device detects whether the control data including a command to halt the reproduction of said content data by means of said reproduction device have been used or not (e.g. paragraph [0075], the voice output unit 27 stops after the CPU 21 receives the reproduction stop command).

For claim 6, Murata teaches subsequent processing-execution device reproduces, as said subsequent processing, content data designated by the user (paragraph [0080, start and stop of the voice data from the electronic book device 1 and received by the wearable device 20 can be controlled by the user using the manual input unit 22 in the wearable device 20).

For claim 7, Murata teaches said subsequent processing-execution device outputs, as said subsequent processing, a message for prompting the user to input a predetermined instruction (e.g. paragraph [0076], displays the arrival of the incoming-call signal to the user, also see paragraph [0039]).

For claim 12, Murata teaches program causes said computer to function as the apparatus as claimed in claim 1 for reproducing data (e.g. paragraph [0077], ROM 25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4, 5, 8, 9, 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murata (US 2002/0,087,555 A1) as applied to claims 1, 2, 3, 6, 7, 12, and 13 above, and further in view of Masuno et al (US 5,696,919).

See the teaching of Murata above.

For claim 5, Murata fails to teach a menu for content data. Masuno et al teach a menu for content data (e.g. column 4, lines 48-67). It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate the teaching of Masuno et al into the teaching of Murata to allow user to control the data reproduction easily and conveniently.

For claim 8, Masuno et al teach reproduction device comprises a receiving unit for receiving a recording medium in which said data constellation has been recorded, and a reading unit for reading said data constellation from said recording medium to reproduce said content data based on said control data; and said subsequent processing-execution device unloads, as said subsequent processing, said recording medium from said receiving unit (e.g. column 1, lines 31-52).

For claim 9, Masuno et al teach reproduction device comprises a reading unit for reading said data constellation from one of a plurality of recording media to reproduce said content data based on said control data; and said subsequent processing-execution device replaces, as said subsequent processing, the recording medium with another recording medium from which said data constellation is to be read out (user can eject the disk from the disk reproduction means and replace it with another disk and user can have plurality of disks).

For claim 10, Masuno et al teach reproduction device reads the data constellation from the recording medium in which said data constellation has been recorded, and reproduce said content data based on said control data included in the data constellation as read out; and said subsequent processing-execution device

Art Unit: 2621

conducts, as said subsequent processing, a reproduction termination processing for the content data recorded in said recording medium and then, conducts a reproduction preparation processing for a next reproduction start (the process of user changing the disk).

For claim 11, Masuno et al teach subsequent processing-execution device offers, as said subsequent processing, a plurality of processing to the user and outputs a message for prompting the user to select any one of said plurality of processing (e.g. column 1, line 30- column 2, line 33, a plurality of processing to the user corresponding to user selects a key value n from a key input means 34 to identify a song to play and the reproduction of each song is a processing).

For claim 4, Masuno et al teach detection device detects no existence of the control data designating content data, which are to be reproduced next by means of said reproduction device (when user is changing the disk, no existence of the control data would be detected).

Art Unit: 2621

Conclusion

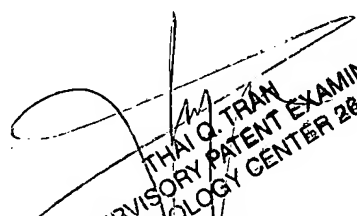
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Morishima et al (US 6,415,095 B1); Lewis et al (US 6,434,097 B1 or WO 00/04540 A);

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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